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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,731	09/11/2000	Petri Jolma	4925-57	4528
7590	10/02/2003		EXAMINER	
Michael C Stuart Esq Cohen Pontani Lieberman & Pavane Suite 1210 551 Fifth Avenue New York, NY 10176			RAMPURIA, SHARAD K	
			ART UNIT	PAPER NUMBER
			2683	
DATE MAILED: 10/02/2003				8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/658,731	JOLMA ET AL.
	Examiner	Art Unit
	Sharad Rampuria	2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 31 July 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

Response to Amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. in view of Arnold et al.

1. Regarding claim 1, Lin disclosed A method of allocating communication channels in a communication system comprising a plurality of base stations (116; Fig.1) each for communicating with at least one mobile station (111; Fig.1), the base stations capable of communicating via any of a predetermined group of channels, and some of the base stations being susceptible of being interfered with by other of the base stations in some of the channels of said group of channels (Col.5, 14-58) , the method comprising the steps of:

Lin fails to disclosed allocating on request a channel according to the predetermined classification and a desired quality class of transmission. However, Arnold teaches in an analogous art, that predetermining, for each base station, a classification for each channel

according to the probability of interference at the channel with other base stations of the plurality of bases stations; (Col.12; 45-67 & Col.13; 1-42) and

allocating on request a channel according to the predetermined classification and a desired quality class of transmission. (Col.12; 45-67 & Col.13; 1-42 & col.17; 4-60) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include allocating on request a channel according to said predetermination and a desired quality class of transmission in order to provide spectrum sharing techniques in plurality of base stations.

2. Regarding claim 2, Lin disclosed The method of claim 1, wherein each said channel is a time slot. (Col.6; 26-37)

3. Regarding claim 3, Lin disclosed all the particulars of the claim except, avoided by said each base station remaining channels in which said other base stations interfere with said each base station. However, Arnold teaches in an analogous art, that The method of claim 1, wherein said predetermination comprises:

assigning as owned by said each base station and as avoided by said other base stations a channel in which said other base stations interfere with said each base station;

assigning as owned by said other base stations and as avoided by said each base station remaining channels in which said other base stations interfere with said each base station; and

assigning as shared by said each base station and said other base station channels in which said other base stations interfere with said each base station if used simultaneously with said each base station and which are not assigned as owned by either. (Col.12; 45-67 & Col.13; 1-42 & col.17; 4-60) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include allocating on request a channel according to said

predetermination and a desired quality class of transmission in order to provide spectrum sharing techniques in plurality of base stations.

4. Regarding claim 4, Lin disclosed all the particulars of the claim except, allocating is performed in the controller. However, Arnold teaches in an analogous art, that The method of claim 1, wherein:

the communication system further includes a controller (1104; Fig.11) connected to each base station;

said predetermination for each base station is reported to the controller; and
said allocating is performed in the controller. (Col.18; 43-65) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include allocating is performed in the controller in order to provide spectrum sharing techniques in plurality of base stations.

5. Regarding claim 5, Lin disclosed all the particulars of the claim except, allocating is performed in the controller. However, Arnold teaches in an analogous art, that The method of claim 3, wherein:

the communication system further includes a controller (1104; Fig.11) connected to each base station;

said predetermination for each base station is reported to the controller;
said allocating is performed in the controller; and
the controller maintains an indication of which channels are currently allocated for each base station. (Col.18; 43-65) Therefore, it would have been obvious to one of ordinary skill in

the art at the time of invention to include allocating is performed in the controller in order to provide spectrum sharing techniques in plurality of base stations.

6. Regarding claim 6, Lin disclosed The method of claim 5, wherein:
if neither an owned channel nor a shared channel of a first base station is available for a requested communication, the controller determines whether any avoided channel of the first base station is not in use by a second base station owning that channel, and if so, that channel is allocated for the requested communication. (Col.7; 7-24)

7. Regarding claim 7, Lin disclosed The method of claim 2 wherein the step of allocating is further according to location of a mobile station to be communicated with. (Col.6; 15-25)

8. Regarding claim 8, Lin disclosed Apparatus for allocating communication channels in a communication system comprising a plurality of base stations (116; Fig.1) each for communicating with at least one mobile station, (111; Fig.1), the base stations capable of communicating via any of a predetermined group of channels, and some of the base stations being susceptible of being interfered with by other of the base stations in some of the channels of said group of channels (Col.5; 14-58), the apparatus comprising a logic unit configured to:

Lin fails to disclosed allocating on request a channel according to the predetermined classification and a desired quality class of transmission. However, Arnold teaches in an analogous art, that predetermining, for each base station, a classification for each channel according to the probability of interference at the channel with other base stations of the plurality of bases stations; (Col.12; 45-67 & Col.13; 1-42) and

allocating on request a channel according to the predetermined classification and a desired quality class of transmission. (Col.12; 45-67 & Col.13; 1-42 & col.17; 4-60) Therefore, it

would have been obvious to one of ordinary skill in the art at the time of invention to include allocating on request a channel according to said predetermination and a desired quality class of transmission in order to provide spectrum sharing techniques in plurality of base stations.

9. Regarding claim 9, Lin disclosed The apparatus of claim 8, wherein each said channel is a time slot. (Col.6; 26-37)

10. Regarding claim 10, Lin disclosed all the particulars of the claim except, avoided by said each base station remaining channels in which said other base stations interfere with said each base station. However, Arnold teaches in an analogous art, that The apparatus of claim 8, wherein said logic unit is configured to perform said predetermination by:

assigning as owned by said each base station and as avoided by said other base stations a channel in which said other base stations interfere with said each base station;

assigning as owned by said other base stations and as avoided by said each base station remaining channels in which said other base stations interfere with said each base station; and

assigning as shared by said each base station and said other base station channels in which said other base stations interfere with said each base station if used simultaneously with said each base station and which are not assigned as owned by either. (Col.12; 45-67 & Col.13; 1-42 & col.17; 4-60) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include allocating on request a channel according to said predetermination and a desired quality class of transmission in order to provide spectrum sharing techniques in plurality of base stations.

11. Regarding claim 11, Lin disclosed all the particulars of the claim except, allocating is performed in the controller. However, Arnold teaches in an analogous art, that The apparatus of

claim 8, further comprising a controller (1104; Fig.11) connected to each base station and configured to:

receive said predetermination for each base station is reported to the controller; and to be a portion of said logic unit for performing said allocating. (Col.18; 43-65)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include allocating is performed in the controller in order to provide spectrum sharing techniques in plurality of base stations.

12. Regarding claim 12, Lin disclosed all the particulars of the claim except, allocating is performed in the controller. However, Arnold teaches in an analogous art, that The apparatus of claim 11, wherein the controller (1104; Fig.11) maintains an indication of which channels are currently allocated for each base station. (Col.18; 43-65) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include allocating is performed in the controller in order to provide spectrum sharing techniques in plurality of base stations.

13. Regarding claim 13, Lin disclosed The apparatus of claim 12, wherein:

if neither an owned channel nor a shared channel of a first base station is available for a requested communication, the controller is configured to determine whether any avoided channel of the first base station is not in use by a second base station owning that channel, and if so, to allocate that channel for the requested communication. (Col.7; 7-24)

14. Regarding claim 14, Lin disclosed The apparatus of claim 9, wherein the logic unit is configured to allocate a channel further according to location of a mobile station to be communicated with. (Col.6; 15-25)

Conclusion

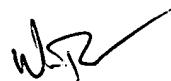
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Thu.(6:30-4:00) alternate Fri.(6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

SK
September 24, 2003